



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Twenty-third Meeting Day

Tuesday Afternoon

February 22, 2005

The Senate convened at 1:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Scripture was read by Reverend Clay, Glad Tidings Church, Muncie. Prayer was offered by Rabbi Audrey Pollack, Temple Israel, Lafayette.

The Pledge of Allegiance to the Flag was led by Senator Teresa S. Lubbers.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 166: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Concurrent Resolution 34, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 2.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 330, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "must" and insert "**may**".

Page 2, line 2, after "include" insert "**any of**".

Page 2, line 5, delete "and global positioning system signal" and insert "**or location**".

Page 2, after line 10, begin a new line blocked left and insert: "**No provision in this section may be construed to supersede or preempt applicable federal and state law, including the Indiana Uniform Electronic Transactions Act (IC 26-2-8), the Health Insurance Portability and Accountability Act of 1996 and associated regulations, and 21 CFR Part 11.**".

(Reference is to SB 330 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 536, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 6 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between lines 4 and 5, begin a new paragraph and insert: "**Sec. 1. This chapter expires December 31, 2008.**".

Page 1, line 5, delete "Sec. 1." and insert "**Sec. 2.**".

Page 1, line 6, delete "section 2" and insert "**section 3**".

Page 1, line 7, delete "Sec. 2." and insert "**Sec. 3.**".

Page 1, line 16, after "annually" insert "**by the Indiana economic development corporation**".

Page 2, line 2, delete "employers, educational institutions," and insert "**employers**".

Page 2, line 2, after "for" insert "**incumbent**".

Page 2, line 3, delete "grants." and insert "**grants that enable workers to obtain recognizable credentials or certifications and transferable employment skills that improve employer competitiveness.**".

Page 2, between lines 3 and 4, begin a new paragraph and insert:
"(c) Special consideration shall be given to the state educational institution established under IC 20-12-61 to be the provider of the training funded under this chapter whenever the state educational institution:

- (1) meets the identified training needs of an employer or a consortium with an existing credentialing or certification program; and**
- (2) is the most cost effective provider.**

(d) The secretary of commerce shall allocate the money in the fund in accordance with subsections (b) and (c)."

Page 2, line 4, delete "(c)" and insert "(e)".

Page 2, line 4, delete "corporation" and insert **"department of workforce development"**.

Page 2, line 4, delete "fund." and insert **"fund using money appropriated from the fund."**

Page 2, line 5, delete "(d)" and insert **"(f)"**.

Page 2, line 7, delete "Interest that".

Page 2, delete line 8.

Page 2, line 9, delete "(e)" and insert **"(g)"**.

Page 2, line 11, delete "(f)" and insert **"(h)"**.

Page 2, delete lines 16 through 19.

Page 2, line 20, delete "(h)" and insert **"(i)"**.

Page 2, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 2. IC 22-4-10.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. This chapter expires December 31, 2008."

Page 2, line 29, strike "(a) After making the".

Page 2, line 30, strike "deposit required by subsection (b),".

Page 2, line 30, delete "the" and insert "The".

Page 2, line 34, strike "(b)".

Page 2, line 34, strike "Unless the board approves a lesser amount,".

Page 2, strike lines 35 through 39.

Page 3, line 33, delete "IC 22-4-10.5-9;".

Page 3, line 33, delete "IC 22-4-24.5-1." and insert "IC 22-4-24.5-1; IC 22-4.5-2-5; IC 22-4.5-3-4."

Page 3, line 34, delete "July 1, 2005:" and insert **"the effective date of this act:"**.

Page 3, line 40, delete "act." and insert **"act, and administered by the department of workforce development."**

Page 3, after line 40, begin a new paragraph and insert:

"SECTION 8. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 536 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 2.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 123, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be

amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning environmental law.

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION:

- (1) "concentrated animal feeding operation" has the meaning set forth in IC 13-11-2-38.3; and**
- (2) "confined feeding operation" has the meaning set forth in IC 13-11-2-40.**

(b) The environmental quality service council shall:

(1) study the differences between:

(A) rules governing confined animal feeding operations; and

(B) rules governing confined feeding operations;

(2) study the statutes and rules that impose recordkeeping requirements for confined animal feeding operations and confined feeding operations;

(3) study the adequacy of current law to address issues concerning confined animal feeding operations and confined feeding operations, including:

(A) the qualifications of operators of confined animal feeding operations and confined feeding operations;

(B) the need to rapidly identify and address violations of statutes and rules that govern confined animal feeding operations and confined feeding operations;

(C) issues concerning the design and construction of confined animal feeding operations and confined feeding operations;

(D) the adequacy of the public notice to neighboring property owners before construction of confined animal feeding operations and confined feeding operations; and

(E) any other issue the environmental quality service council considers appropriate; and

(4) submit its report and recommendations on the matters described in subdivisions (1), (2), and (3) as part of the council's final report.

(c) This SECTION expires January 1, 2006.

SECTION 2. An emergency is declared for this act."

Delete page 2.

(Reference is to SB 123 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 279, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) "Applicant", for purposes of IC 13-19-4, means an individual, a corporation, a limited liability company, a partnership, or a business association that:

- (1) receives, for commercial purposes, solid or hazardous waste generated offsite for storage, treatment, processing, or disposal; and
- (2) applies for the issuance ~~renewal, or transfer or major modification~~ of a permit described in IC 13-15-1-3 other than a post-closure permit or an emergency permit.

(b) "Applicant", for purposes of IC 13-20-2, means an individual, a corporation, a limited liability company, a partnership, or a business association that applies for an original permit for the construction or operation of a landfill.

(c) For purposes of subsection (a), "applicant" does not include an individual, a corporation, a limited liability company, a partnership, or a business association that:

- (1) generates solid or hazardous waste; and
- (2) stores, treats, processes, or disposes of the solid or hazardous waste at a site that is:
 - (A) owned by the individual, corporation, partnership, or business association; and
 - (B) limited to the storage, treatment, processing, or disposal of solid or hazardous waste generated by that individual, corporation, limited liability company, partnership, or business association.

SECTION 2. IC 13-11-2-206 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 206. "Solid waste disposal facility", for purposes of IC 13-19-3-8.2, **IC 13-19-4**, IC 13-20-4, and IC 13-20-6, means a facility at which solid waste is:

- (1) deposited on or beneath the surface of the ground as an intended place of final location; or
- (2) incinerated.

SECTION 3. IC 13-19-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) Except as provided in section 8(e) of this chapter**, this chapter does not apply to:

- (1) **an applicant for a transfer stations station permit that holds a permit for and continuously operates; or**
- (2) **the transfer of a permit for a transfer station to an applicant that holds a permit for and is operating;**

a transfer station, solid waste disposal facility, or hazardous waste facility in Indiana after December 31, 2004.

(b) Except as provided in section 8(e) of this chapter, this chapter does not apply to:

- (1) **an applicant for a permit for a solid waste disposal facility or hazardous waste facility that holds a permit for and continuously operates; or**
- (2) **the transfer of a permit for a solid waste disposal facility to an applicant that holds a permit for and is operating;**

a solid waste disposal facility or hazardous waste facility in Indiana after December 31, 2004."

Page 2, line 20, after "issuance" delete ",".

Page 2, line 20, strike "renewal," and insert "or".

Page 2, line 20, after "transfer" delete ",".

Page 2, line 20, strike "or major modification".

Page 2, line 21, strike "described in IC 13-15-1-3".

Page 2, line 21, delete "to control atomic radiation" and insert **"for a solid waste processing facility, solid waste disposal facility, or hazardous waste facility"**.

Page 3, delete lines 4 through 42.

Page 4, line 8, after "of" insert **"the entire"**.

Page 4, line 8, after "ownership" insert **"interest"**.

Page 4, line 9, delete **"to control atomic radiation"**.

Page 4, line 11, strike "may" and insert **"shall"**.

Page 4, line 17, delete ";" and insert **"submitted under subsection (b);"**.

Page 4, line 21, delete ";" and insert **"submitted under subsection (b);"**.

Page 4, between lines 26 and 27, begin a new paragraph and insert:

"(e) If :

(1) subsection (b) does not apply; and

(2) there is a change of at least fifty percent (50%) ownership control of an entity that holds a permit described in IC 13-15-1-3, including an entity referred to in section 1 of this chapter (other than an entity referred to in subsection (a));

the entity must, not later than thirty (30) days after the change of ownership control is completed, submit to the department the disclosure statement referred to in subsection (b).

(f) The commissioner:

(1) shall review the disclosure statement submitted under subsection (e); and

(2) may investigate and verify the information set forth in the disclosure statement.

(g) If the commissioner determines:

(1) that:

(A) the information disclosed by the disclosure statement submitted under subsection (e); and

(B) any investigation by the commissioner;

would require the commissioner to deny an application for a permit described in IC 13-15-1-3 if the entity that submits the disclosure statement were applying for a permit under section 2 of this chapter; or

(2) an entity failed to submit to the department a timely disclosure statement under subsection (e);

the commissioner shall revoke any permit described in IC 13-15-1-3 held by the entity.

SECTION 6. IC 13-20-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter does not apply to an individual, a corporation, a partnership, **a limited liability company**, or a business association that in its regular business activity:

(1) produces solid waste as a byproduct of or incidental to its regular business activity; ~~and~~

(2) disposes of the solid waste at a site that is:

(A) owned by the individual, corporation, partnership, **limited liability company**, or business association; and

(B) limited to use by that individual, corporation, partnership, **limited liability company**, or business association for the disposal of solid waste produced by:

- (i) that individual, corporation, partnership, **limited liability company**, or business association; or
- (ii) a subsidiary of an entity referred to in item (i).

SECTION 7. IC 13-20-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person that applies for a permit ~~described in IC 13-15-1-3 that concerns a solid waste management facility for a solid waste disposal facility~~ must demonstrate that there is a local or regional need in Indiana for the facility.

SECTION 8. IC 13-20-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. A person that applies for a permit referred to in section 2 of this chapter must submit the following information to the department along with the permit application:

- (1) A description of the area that would be served by the solid waste **management disposal** facility.
- (2) A description of existing solid waste management facilities in the area that would be served by the solid waste **management disposal** facility.
- (3) A description of the need that would be fulfilled by constructing the solid waste **management disposal** facility.

SECTION 9. IC 13-20-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. If the department determines that there is not a local or regional need in Indiana for the solid waste **management disposal** facility, the person referred to in section 2 of this chapter may not receive a permit described under IC 13-15-1-3 of this chapter. If a permit is denied under this ~~subsection~~, **section**, the department must provide the person referred to in section 2 of this chapter with a statement describing the reasons the department denied the permit.

SECTION 11. IC 13-20-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) This section applies to the transportation of municipal waste from solid waste processing facilities.

(b) A shipment of municipal waste in a municipal waste collection and transportation vehicle must be accompanied by a municipal waste transportation manifest.

(c) A manifest required under subsection (b) must include the following information:

- (1) The amount in tons of municipal waste transported in the vehicle.
- (2) The name and address of the solid waste processing facility from which the municipal waste is transported.
- (3) The destination of the municipal waste.
- (4) The name of the person transporting the municipal waste.
- ~~(5) If the municipal waste is transported from a transfer station that receives municipal waste, the identity of and acknowledgement number issued by the department under IC 13-20-6-5 or IC 13-7-10.5-14 (before its repeal) to the following:~~

- ~~(A) The transporter of the municipal waste;~~
- ~~(B) The transfer station from which the municipal waste is transported;~~
- ~~(C) A broker involved in the transportation of the municipal waste;~~

(d) The owner or operator of the solid waste processing facility from which municipal waste is to be transported shall:

- (1) prepare the manifest required by subsection (b); and
- (2) deliver the manifest to the operator of the vehicle.
- (e) The operator of the vehicle shall:
 - (1) carry the manifest while transporting the municipal waste; and
 - (2) present the manifest to the owner or operator of the facility to which the municipal waste is transported.
- (f) The owner or operator of the facility to which the municipal waste is transported shall:
 - (1) retain each manifest for one (1) year; and
 - (2) send one (1) copy of each manifest to the department not later than three (3) months after receiving a manifest for at least one (1) year.

SECTION 12. IC 13-20-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The commissioner may, by order, do the following:

- (1) Suspend the waste transfer activities of an operator who is not a resident of Indiana if the operator is not properly licensed, certified, or permitted to conduct waste transfer activities in another state in which the operator does business.
- (2) Suspend the waste transfer activities of a transfer station that does not meet the requirements of the inspection program established under section 7 of this chapter.

(b) An order issued by the commissioner under this section requiring an operator or transfer station to suspend operations must contain the date by which waste transfer activities must be suspended.

(c) After issuing an order requiring an operator or transfer station to suspend waste transfer activities but before the date by which the activities must be suspended, the department must provide notice by certified mail, return receipt requested, to the following:

- (1) Each regulated solid waste processing facility in Indiana.
- (2) Each regulated solid waste disposal facility in Indiana.
- ~~(3) Each broker and transporter that has submitted a disclosure statement under section 2 of this chapter;~~

(d) The notice described under subsection (c) must contain the following:

- (1) The name of the operator or transfer station subject to the order.
- (2) The date on which waste transfer activities are suspended under the order.
- ~~(3) The acknowledgement number issued to the operator under section 5 of this chapter;~~
- ~~(4) (3) If the order applies to a transfer station, the location of the transfer station.~~

(e) Upon a determination by the commissioner that an operator previously ordered to suspend waste transfer activities may engage again in waste transfer activities, the department shall immediately provide notice by certified mail, return receipt requested, to each:

- (1) regulated solid waste processing facility in Indiana; **and**
- (2) regulated solid waste disposal facility in Indiana; **and**
- ~~(3) broker and transporter that submitted a disclosure statement under section 2 of this chapter;~~

that the operator or transfer station will be allowed to resume waste transfer activities. The notice required under this subsection must contain the date on which the operator or transfer station will be allowed to resume waste transfer activities

SECTION 13. IC 13-20-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) An operator who is not a resident of Indiana or a transfer station may not engage in waste transfer activities while the operator or transfer station is suspended from engaging in waste transfer activities under section 3 or 4 of this chapter.

(b) On or after the effective date established under a rule adopted by the board, a solid waste disposal facility or a solid waste processing facility located inside Indiana may not knowingly accept municipal waste from a transfer station located inside of or outside of Indiana that receives municipal waste if:

- (1) the municipal waste is not accompanied by a manifest that contains the information required under IC 13-20-4-7; or
- (2) the person who manages the solid waste disposal facility or solid waste processing facility has received notice under section 4(c) of this chapter that:

- (A) the transfer station that shipped the municipal waste; or
- (B) an operator listed on the manifest;

has been suspended from engaging in waste transfer activities under this chapter.

SECTION 14. [EFFECTIVE JULY 1, 2005] (a) **For purposes of this SECTION:**

- (1) "incinerator" has the meaning set forth in IC 13-11-2-106; and
- (2) "solid waste processing facility" has the meaning set forth in IC 13-11-2-212.

(b) 329 IAC 11-9-5 is void to the extent that the rule applies to solid waste processing facilities, except incinerators.

(c) The solid waste management board shall amend 329 IAC 11-9-5 so that the rule is consistent with subsection (b)."

Page 4, delete lines 27 through 42.

Delete page 5.

Page 6, delete lines 1 through 34.

Page 6, line 36, delete "IC 13-20-1." and insert "IC 13-20-6-2; IC 13-20-6-3; IC 13-20-6-5; IC 13-20-6-6."

Renumber all SECTIONS consecutively.

(Reference is to SB 279 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

Gard, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 620, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 5 with "[EFFECTIVE UPON PASSAGE]".

Page 1, line 4, after "System" insert "(NPDES)".

Page 1, line 4, delete ":".

Page 1, line 5, delete "(1)".

Page 1, run in lines 4 through 5.

Page 1, line 6, reset in roman "(1)".

Page 1, line 6, delete "(A)".

Page 1, line 7, reset in roman "(2)".

Page 1, line 7, delete "(B)".

Page 1, line 7, delete "; and" and insert ".".

Page 1, delete line 13, begin a new paragraph and insert:

"(b) A variance application must contain a pollutant minimization plan specific to the pollutant for which the variance is requested. With respect to a variance relating to an NPDES permit for a combined sewer overflow discharge, this subsection is satisfied if the NPDES permit holder has prepared a long term control plan and is implementing the nine (9) minimum controls pursuant to:

(1) 33 U.S.C. 1342(q); and

(2) 59 FR 18688."

Page 1, line 14, delete "(b)".

Page 1, line 14, strike "A variance granted under section 8 of this chapter or".

Page 1, strike lines 15 through 17.

Page 2, line 4, strike "remains in effect".

Page 2, line 4, delete "for as long as".

Page 2, line 4, strike "the National Pollutant Discharge"

Page 2, line 5, strike "Elimination System permit".

Page 2, line 5, delete "is in effect."

Page 2, between lines 5 and 6, begin a new paragraph and insert:

"(c) Subject to subsection (d), a variance described in subsection (a) may be granted for a period not to exceed the term of the NPDES permit affected by the variance.

(d) If an NPDES permit remains in effect beyond its stated term under IC 13-15-3-6, a variance described in subsection (a) remains in effect for as long as the NPDES permit requirements affected by the variance are in effect.

(e) A variance described in subsection (a) may be renewed each time the NPDES permit affected by the variance is renewed if the conditions of subsections (a) and (b) continue to be met."

Page 2, line 25, after "performed" insert "and approved".

Page 2, line 27, delete "2-1-6 (as" and insert "2-1-3 and 329 IAC 2-1.5-5 (both as)".

Page 2, line 34, delete "the Consolidated Appropriations Act (P.L. 106-554);" and insert "Section 402(q) of the federal Clean Water Act (33 U.S.C. 1342(q));".

Page 3, line 14, delete "." and insert "and affordable".

Page 3, line 17, delete "the Consolidated Appropriations Act (P.L. 106-554)" and insert "section 402(q) of the federal Clean Water Act (33 U.S.C. 1342(q))".

Page 3, line 23, after "weather" insert "limited".

Page 3, line 23, after "waters" insert "directly".

Page 3, line 26, after "if:" insert "limited".

Page 3, line 27, after "applies" insert "to a specific water body".

Page 3, line 27, delete "full".

Page 3, line 28, delete "." and insert "for the combined sewer system whose overflow discharges affect those waters is implemented and the conditions of subsection (b) are satisfied."

Page 3, line 29, after "weather" insert "limited".

Page 4, line 21, delete "conditions" and insert "quality based requirements associated with the CSO wet weather limited use subcategory".

Page 4, line 21, after "to" insert "waters affected by wet weather".

Page 4, line 22, delete "that result from wet weather events

consistent with" and insert **"are determined by"**.

Page 4, line 23, delete "are determined in" and insert **"for the combined sewer system. The water quality based requirements remain"**.

Page 4, delete line 24.

Page 4, line 25, delete "determination remains".

Page 4, line 28, delete "full body contact recreation".

Page 4, line 29, delete "2-1-6 (as" and insert **"2-1-3 and 327 IAC 2-1.5-5 (both as"**.

Page 4, line 37, delete "recreation" and insert **"recreational"**.

Page 4, line 37, delete "2-1-6 (as" and insert **"2-1-3 and 327 IAC 2-1.5-5 (both as"**.

Page 4, line 40, after "weather" insert **"limited"**.

Page 5, line 7, delete "conditions" and insert **"quality based requirements"**.

Page 5, line 10, delete "or is".

Page 5, line 11, delete "implementing".

Page 5, line 17, after "weather" insert **"limited"**.

Page 5, line 20, after "." insert **"The department shall seek approval of the United States Environmental Protection Agency in a timely manner."**.

Page 6, line 3, delete "." and insert **"before October 1, 2006."**.

Page 6, line 6, delete "The department shall, at the request of the" and insert **"Where appropriate, permits shall contain schedules of compliance requiring the permittee to take specific steps to achieve expeditious compliance with applicable standards, limitations, and other requirements."**

(b) The schedule of compliance shall require compliance as soon as reasonably possible, but may remain in effect as long as the National Pollutant Discharge Elimination System (NPDES) permit requirements are in effect.

(c) The department shall, at the request of the".

Page 6, line 15, delete "(b)" and insert **"(d)"**.

Page 6, line 19, delete "(a)." and insert **"(c)." "**.

Page 6, line 21, delete "(c)" and insert **"(e)"**.

Page 6, line 24, delete "(a)." and insert **"(c)." "**.

Page 6, line 25, delete "(d)" and insert **"(f)"**.

Page 6, line 26, delete "." and insert **"before October 1, 2006."**.

Page 6, after line 26, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE UPON PASSAGE] (a) Before September 1, 2005, the department of environmental management shall review and revise the guidance developed for combined sewer overflow communities to incorporate and reflect the law as in effect on July 1, 2005.

(b) This SECTION expires September 1, 2005.

SECTION 7. An emergency is declared for this act."

(Reference is to SB 620 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

GARD, Chair

Report adopted.

RESOLUTIONS ON SECOND READING

Senate Resolution 10

Senator Harrison called up Senate Resolution 10 for second reading. The resolution was read a second time by title and adopted by voice vote.

Senate Resolution 11

Senator Harrison called up Senate Resolution 11 for second reading. The resolution was read a second time by title and adopted by voice vote.

Senate Concurrent Resolution 16

Senator Lanane called up Senate Concurrent Resolution 16 for second reading. The resolution was read a second time by title.

The Chair ordered a division of the Senate. Yeas 25, nays 24. Motion prevailed. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Ayres, Kromkowski, and T. Adams.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 27

Senate Concurrent Resolution 27, introduced by Senator Lubbers:

A CONCURRENT RESOLUTION celebrating the 350th Anniversary of Jews living in America and the 100th Anniversary of the Jewish Federation of Greater Indianapolis.

Whereas, The biennium 2004-2005 marks the 350th anniversary of the Jewish community in North America, and also marks the 100th anniversary of the Jewish Federation of Greater Indianapolis;

Whereas, In 1654, Spanish-Portuguese Jewish refugees escaping the Inquisition in South America arrived on North American shores and formally established North America's first Jewish community in New Amsterdam, now New York City;

Whereas, Jews from Central and Eastern Europe and other parts of the world would continue to arrive in successive waves of immigration during the 19th and 20th centuries seeking liberty and opportunity in America;

Whereas, The American Jewish community has actively participated in and contributed to the civic, social economic, and cultural life of Indiana and the United States of America and has served in all branches of the armed forces in defense of the broad principles of liberty and justice that are guaranteed in the Constitution of the United States;

Whereas, The Jewish Federation of Greater Indianapolis, established in 1905, has organized and directed the philanthropic efforts of the Jewish community; and worked alongside the Jewish congregations in our city and state to advance the values of Jewish culture, faith and tradition;

Whereas, In its 100 years of existence, the Jewish Federation of Greater Indianapolis has successfully implemented a broad range of programs and services to enhance the quality of life for children, youths, adults, and seniors of every religious and cultural background in Indianapolis and internationally; and

Whereas, The Jewish Federation of Greater Indianapolis continues to foster positive relationships and cultivate dialogue and understanding between the Jewish and general communities as reflected in the missions of its constituent agencies, including the Jewish Community Relations Council, the Jewish Community Center, the Bureau of Jewish Education, Hooverwood, and Park Regency: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The 350th anniversary of the Jewish community in North America is hereby recognized.

SECTION 2. The Jewish Federation of Greater Indianapolis is congratulated on its 100th anniversary and the Jewish Federation is commended on its record of outstanding contributions and achievements on behalf of the Jewish community and the entire State of Indiana.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Michael Papo, Executive Director of the Jewish Federation of Greater Indianapolis.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Orentlicher.

SENATE MOTION

Madam President: I move that Senator Paul be removed as first sponsor of House Concurrent Resolution 17 and that Senator Weatherwax be substituted therefor.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Paul be added as second sponsor of House Concurrent Resolution 17.

WEATHERWAX

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 17

House Concurrent Resolution 17, sponsored by Senator Weatherwax:

A CONCURRENT RESOLUTION recognizing Rotary International on the 100th anniversary of its founding.

Whereas, Rotary International, founded on February 23, 1905, in Chicago, Illinois, is the world's first and one of the largest nonprofit service organizations;

Whereas, Rotary International has a membership of over 1.2 million, comprised of professional and business leaders in over 31,000 clubs in more than 165 countries;

Whereas, The Rotary International motto "Service Above Self" inspires members to provide humanitarian service, encourage high ethical standards, and promote goodwill and peace in the world;

Whereas, Rotary International funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries;

Whereas, In 1985, Rotary International launched Polio Plus and spearheaded efforts with the World Health Organization, U.S. Center for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio;

Whereas, Polio cases have dropped by 99% since 1988, and the world stands on the threshold of eradicating the disease;

Whereas, Rotary International is the world's largest privately funded source of international scholarships and promotes international understanding through scholarships, exchange programs, and humanitarian grants;

Whereas, Since 1947, more than 35,000 students from 110 countries have studied abroad as Rotary Ambassadorial Scholars;

Whereas, Rotary International's Group Study Exchange program has helped more than 46,000 young professionals explore their career fields in other countries;

Whereas, Each year, 8,000 secondary school students experience life in another country through Rotary International's Youth Exchange Program; and

Whereas, There are over 8,000 Rotary International members in more than 156 clubs throughout Indiana sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities and abroad: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly thank Rotary International on behalf of the citizens of Indiana for their dedicated service to the people of the world.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Stephen Leonard, District 6580 District Governor.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senators Altig, Antich-Carr, Bowser, Bray, Breaux, Broden, Clark, Craycraft, Dillon, Drozda,

Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Riegsecker, Rogers, Server, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Wyss, M. Young, R. Young, and Zakas be added as cosponsors of House Concurrent Resolution 17.

WEATHERWAX

Motion prevailed.

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 31

Senator Waterman called up Senate Concurrent Resolution 31 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Borders and Woodruff.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 16

House Concurrent Resolution 16, sponsored by Senators Antich-Carr, Landske, and Heinold:

A CONCURRENT RESOLUTION honoring Porter County.

Whereas, It is the constitutional right of all citizens to participate in the political process;

Whereas, Each election day, the citizens of the United States have a chance to shape the future of their state and their communities by voting; unfortunately, too many citizens fail to exercise their right to vote;

Whereas, The voters of Porter County take very seriously their constitutional right to participate in the political process and their duty to voice their opinion in the democratic process by voting;

Whereas, With a voter turnout of 74%, the citizens of Porter County registered the highest voter turnout in the 2004 election, far exceeding the national average of 58%;

Whereas, Porter County is blessed with dedicated people like Leon West, Democratic Party Chairman; Keith Hall, Republican Party Chairman; Jane Pecor; and Helen Dame; all of whom spend countless hours ensuring that all voters are able to cast their vote; and

Whereas, The voters of Porter County should be proud of the fact that their county had the highest voter turnout in the 2004 election; all citizens of the nation should follow the lead of these patriotic Hoosiers: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. The members of the Indiana General Assembly congratulate the people of Porter County on the excellent turnout in the 2004 election and express gratitude for their devotion to their civic duty.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Porter County officials.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 15

Senate Resolution 15, introduced by Senator Smith:

A SENATE RESOLUTION honoring Miss Veronica Cook of Griffith, Indiana, a senior at Griffith High School, as one of the top youth volunteers in Indiana for 2005, in the tenth annual Prudential Spirit of Community Awards. This is an extraordinary honor since more than 20,000 young people across the country were considered for recognition this year.

Whereas, Miss Veronica Cook, an esteemed resident of Griffith and a student at Griffith High School, has achieved national recognition for exemplary volunteer service by receiving a 2005 Prudential Spirit of Community Award; and

Whereas, Miss Veronica Cook earned this award by giving generously of her time and energy to researching and creating hands-on-learning activities about the Great Lakes for the Indiana Dunes National Lakeshore, and then packaged them in a "traveling trunk" that teachers could borrow for lessons in their classrooms. Working under the guidance of National Park Service employees, Miss Cook studied existing on-site programs, conducted additional research, created lessons and activities suitable for classroom use, obtained a grant to purchase program materials, and then assembled the finished trunk; and

Whereas, The success of the State of Indiana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Miss Veronica Cook who use their considerable talents and resources to serve others: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the General Assembly congratulates and honors Miss Veronica Cook as a recipient of a 2005 Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership and community spirit, and extends its best wishes for her continued success and happiness.

SECTION 2. That the Secretary of Senate is hereby directed to transmit a copy of this Resolution to Miss Veronica Cook.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senator Simpson be removed as author of Engrossed Senate Bill 572 and that Senator Miller be substituted therefor.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be removed as second author of Engrossed Senate Bill 572.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as second author of Engrossed Senate Bill 572.

MILLER

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 17 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1099, 1126, 1175, 1224, 1241, 1265, 1289, 1314, 1315, 1398, 1446, 1453, 1488, 1501, 1525, 1540, 1646, 1649, and 1822 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bill 1001 and the same is herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

2:36 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 3:37 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senator Alting be added as coauthor of Senate Bill 38.

ANTICH-CARR

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 66.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as second author of Senate Bill 416.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Kenley and M. Young be added as coauthors of Engrossed Senate Bill 572.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senate Bill 640, assigned to the Senate Committee on Elections and Civic Affairs, be withdrawn from further consideration by the Senate.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as coauthor of Senate Bill 620.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Clark be added as coauthor of Senate Concurrent Resolution 27.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Craycraft and Rogers be added as coauthors of Senate Bill 56.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jackman be removed as second author of Senate Bill 378.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Kenley be added as second author and Senators Jackman, Hume, Skinner, Landske, and Alting be added as coauthors of Senate Bill 378.

WEATHERWAX

Motion prevailed.

REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 94, the Senate Committee on Ethics met on February 22, 2005, to render an advisory opinion with regard to the question raised by Senator Clark about his participation in the upcoming vote on Senate Bill 307, which is eligible for third reading, due to a potential conflict of interest.

The Senate Committee on Ethics has considered the facts presented by Senator Clark and hereby recommends that Senator Clark be excused from participation in the vote on third reading for Senate Bill 307 because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 6-0.

ZAKAS

Report adopted.

SENATE BILLS ON SECOND READING

Senate Bill 127

Senator Riegsecker called up Senate Bill 127 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 127-2)

Madam President: I move that Senate Bill 127 be amended to read as follows:

Page 2, line 8, delete "and".

Page 2, line 11, delete "." and insert "; and".

Page 2, between lines 11 and 12, begin a new line double block indented and insert:

"(C) a highway classified by the Indiana department of transportation as an INDOT Freeway."

(Reference is to SB 127 as printed February 11, 2005.)

RIEGSECKER

The Chair ordered a division of the Senate. Yeas 27, nays 14. Motion prevailed. The bill was ordered engrossed.

Senate Bill 263

Senator Alting called up Senate Bill 263 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 263-3)

Madam President: I move that Senate Bill 263 be amended to read as follows:

Page 1, line 3, delete "A person may file a" and insert **"This section applies in a county only if the fiscal body of the county adopts an ordinance to apply this section."**

(b) A person may file a"

Page 1, line 11, delete "(b)" and insert **"(c)"**.

Page 1, line 11, delete "(a)," and insert **"(b),"**.

Page 1, line 14, delete "(c)" and insert **"(d)"**.

Page 1, line 16, delete "(b)" and insert **"(c)"**.

Page 2, line 12, delete "(a)(2);" and insert **"(b)(2);"**.

Page 2, line 16, delete "(d)" and insert **"(e)"**.

Page 2, line 16, delete "(c)(5)" and insert **"(d)(5)"**.

Page 2, line 18, delete "(e)" and insert **"(f)"**.

Page 2, line 19, delete "(c)(5)" and insert **"(d)(5)"**.

Page 2, line 22, after "31." insert **"(a)"**.

Page 2, line 24, delete ", including" and insert **"."**.

Page 2, line 25, delete "IC 16-20-1-25.5."

Page 2, after line 29, begin a new paragraph and insert:

"(b) This subsection applies in a county only if the fiscal body of the county adopts an ordinance to apply this subsection. The director of the division of public health has the powers, functions, and duties of a local health officer under IC 16-20-1-25.5."

(Reference is to SB 263 as printed January 26, 2005.)

ALTING

Motion prevailed. The bill was ordered engrossed.

Senate Bill 281

Senator Kenley called up Senate Bill 281 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 281-2)

Madam President: I move that Senate Bill 281 be amended to read as follows:

Page 11, between lines 5 and 6, begin a new paragraph and insert:

"(d) A superintendent who accepts a student for enrollment under the program shall notify the superintendent of the student's base corporation of the student's acceptance not later than fifteen (15) days after accepting the student."

Page 11, line 42, delete "The" and insert **"Except as provided in IC 20-1-6-18.2, the"**.

Page 12, delete lines 26 through 42.

Page 13, delete lines 1 through 2.

Page 13, line 3, delete "18." and insert **"17."**.

Page 13, line 5, delete "19." and insert **"18."**.

Page 13, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 9. IC 20-10.2-6-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) This section applies to a school that has been placed in the lowest performance

category for a third or subsequent year under this chapter.

(b) Before March 1 of each year, the school shall notify the parent of each student in the school of the parent's right to request a transfer for the student for the following school year to a different school within the same school corporation or in another school corporation under IC 20-8.1-16.

(c) The notice provided under this section must set forth in an easily understood format a parent's transfer options for a student, including a list of schools in the student's current school corporation that are in a higher performance category to which the student's parents may request a transfer for the student.

(d) If:

(1) a school corporation is unable to comply with a parent's request to transfer a student under this section; or

(2) a parent requests additional transfer options for the student;

the superintendent shall meet with the parent to discuss options for the student."

Renumber all SECTIONS consecutively.

(Reference is to SB 281 as printed February 18, 2005.)

KENLEY

The Chair ordered a division of the Senate. Yeas 29, nays 17. Motion prevailed.

SENATE MOTION
(Amendment 281-3)

Madam President: I move that Senate Bill 281 be amended to read as follows:

Page 10, between lines 9 and 10, begin a new line block indented and insert:

"(2) The student's parent request is to be based on course offerings not available in student's base school corporation or discipline related issues that have not allowed the student to be socially or academically successful."

Page 10, line 10, delete "(2)" and insert **"(3)"**.

Page 10, line 12, delete "(3)" and insert **"(4)"**.

Page 10, line 17, delete "(4)" and insert **"(5)"**.

(Reference is to SB 281 as printed February 18, 2005.)

SIPES

Upon request of Senator Sipes the President ordered the roll of the Senate to be called. Roll Call 167: yeas 17, nays 33. Motion failed.

SENATE MOTION
(Amendment 281-1)

Madam President: I move that Senate Bill 281 be amended to read as follows:

Page 7, after line 2 and before line 3 insert the following:

SECTION 4. IC 20-8.1-6.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The parents of any student, regardless of the student's age, or the student after the student has reached eighteen (18) years of age, may request a transfer from a school corporation in which the student has a legal settlement to a transferee school corporation in Indiana or another state if the student may be better accommodated in the public

schools of the transferee corporation. Whether the student can be better accommodated depends on such matters as:

(1) crowded conditions of the transferee or transferor corporation; ~~and~~

(2) curriculum offerings at the high school level that are important to the vocational or academic aspirations of the student; and

(3) the geographic proximity of the student's legal settlement as determined under section 1 of this chapter to the school the student seeks to attend in the transferee school corporation.

(b) This request for transfer must be made in writing to the transferor corporation which shall immediately mail a copy to the transferee corporation. This request must be made at the times provided by rule of the state board of education. The transfer is effected if both the transferee and the transferor corporations approve the transfer within thirty (30) days after that mailing. The transfer shall be denied when either school corporation either:

(1) mails a written denial by certified mail to the requesting parents or student at their last known address; or

(2) fails to act on the request within that period.

(c) In that event, an appeal may be taken to the state board of education by the requesting parents, or student, if perfected within ten (10) days after the denial. This appeal shall be perfected by mailing a notice of appeal by certified mail to the superintendent of each school corporation and the state board of education. The superintendent of public instruction shall develop forms for this purpose, and the transferor corporation shall assist the parents or student in the mechanics of perfecting the appeal. Appeals shall be heard in accord with section 10 of this chapter.

Renumber all SECTIONS consecutively.

(Reference is to SB 281 as printed February 18, 2005)

ANTICH-CARR

Motion failed. The bill was ordered engrossed.

Senate Bill 335

Senator Simpson called up Senate Bill 335 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 335-1)

Madam President: I move that Senate Bill 335 be amended to read as follows:

Page 9, line 8, delete "Seventeen (17)" and insert **"Eighteen (18)"**.

(Reference is to SB 335 as printed February 18, 2005.)

SIMPSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 381

Senator Ford called up Senate Bill 381 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 381-2)

Madam President: I move that Senate Bill 381 be amended to

read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-4-10.9-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 2.1. "Broadband development program" refers to the Indiana broadband development program established by IC 8-1-33-12.**

SECTION 2. IC 4-4-10.9-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. "Broadband development project" means a project authorized by the broadband development program under IC 8-1-33.**

SECTION 3. IC 4-4-10.9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (b), "industrial development project" includes:

- (1) the acquisition of land, site improvements, infrastructure improvements, buildings, or structures, rehabilitation, renovation, and enlargement of buildings and structures, machinery, equipment, furnishings, or facilities (or any combination of these), comprising or being functionally related and subordinate to any project (whether manufacturing, commercial, agricultural, environmental, or otherwise) the development or expansion of which serves the public purposes set forth in IC 4-4-11-2;
- (2) educational facility projects; ~~and~~
- (3) child care facility projects; ~~and~~
- (4) broadband development projects.**

(b) For purposes of the industrial development guaranty fund program, "industrial development project" includes the acquisition of land, interests in land, site improvements, infrastructure improvements (including information and high technology infrastructure (as defined in IC 4-4-8-1)), buildings, or structures, rehabilitation, renovation, and enlargement of buildings and structures, machinery, equipment, furnishings, or facilities (or any combination of these), comprising or being functionally related and subordinate to any of the following:

- (1) A pollution control facility.
- (2) A manufacturing enterprise.
- (3) A business service enterprise involved in:
 - (A) computer and data processing services; or
 - (B) commercial testing services.
- (4) A business enterprise the primary purpose of which is the operation of an education and permanent marketing center for manufacturers and distributors of robotic and flexible automation equipment.
- (5) Any other business enterprise, if the use of the guaranty program creates a reasonable probability that the effect on Indiana employment will be creation or retention of at least fifty (50) jobs.
- (6) An agricultural enterprise in which:
 - (A) the enterprise operates pursuant to a producer or growout agreement; and
 - (B) the output of the enterprise is processed predominantly in Indiana.
- (7) A business enterprise that is required by a state, federal, or

local regulatory agency to make capital expenditures to remedy a violation of a state or federal law or a local ordinance.

(8) A recycling market development project.

(9) A high growth company with high skilled jobs (as defined in IC 4-4-10.9-9.5).

(10) A broadband development project."

Page 2, line 31, delete "required by" and insert "**described in**".

Page 2, line 32, delete "each I-Light node" and insert "**nodes distributed throughout the network**".

Page 2, line 34, "required by" and insert "**described in**".

Page 2, line 39, delete "four (4)" and insert "**seven (7)**".

Page 2, line 39, after "individuals." insert "**The state chief information officer serves as a member of the coordinating body by virtue of the office.**".

Page 3, delete line 1.

Page 3, line 2, delete "(2)" and insert "**(1)**".

Page 3, line 3, delete "(3)" and insert "**(2)**".

Page 3, between lines 3 and 4, begin a new line double block indented and insert:

"(3) Purdue University.

(4) Indiana University.

(5) Ball State University."

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"(c) The coordinating body shall cease operation and be dissolved on July 15, 2007."

Page 3, line 7, delete "establish" and insert "**determine the feasibility of**".

Page 3, line 10, delete "required" and insert "**described**".

Page 3, line 11, delete "shall" and insert "**may**".

Page 3, line 19, delete "required" and insert "**described**".

Page 3, line 20, delete "shall" and insert "**may**".

Page 3, line 24, delete "The system shall be made available first to authorized" and insert "**This section applies only if a functioning system is deployed by the coordinating body.**".

Page 3, line 25, before "users." begin a new paragraph and insert:

(b) "The system shall be made available first to authorized".

Page 3, line 28, delete "(b), (c), and (d)." and insert "**(c), (d), and (e).**".

Page 3, line 33, delete "(d)." and insert "**(e).**".

Page 3, line 34, delete "(b)" and insert "**(c)**".

Page 3, line 34, delete "(a)" and insert "**(b)**".

Page 4, line 10, delete "(c)" and insert "**(d)**".

Page 4, line 15, delete "(d)" and insert "**(e)**".

Page 4, line 16, delete "(a) or (b)" and insert "**(b) or (c)**".

Page 4, between lines 20 and 21, begin a new paragraph and insert:

"(f) An authorized user may not sell, lease, or license the authorized user's right to use the system described in this chapter.

SECTION 16. IC 8-1-33 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]:

Chapter 33. Indiana Broadband Development Program

Sec. 1. (a) The general assembly finds that:

(1) certain areas of Indiana are not being adequately served with broadband services;

(2) for the benefit of the people of Indiana and the improvement of their health, welfare, and living conditions, the improvement of the economic and educational welfare of Indiana, and the improvement of its public safety and security, it is essential that broadband infrastructure be expanded to provide broadband services throughout Indiana;

(3) the private sector should be encouraged to continue to invest in the deployment of broadband services and networks and that financing through this program will encourage broadband investment in underserved areas;

(4) economic, technological, and logistical integrated broadband services should be provided throughout Indiana on a nondiscriminatory basis;

(5) the provision of affordable broadband services and networks in underserved areas will:

(A) ensure the long term growth of and the enhancement and delivery of services by the business, educational, medical, commercial, nonprofit, and governmental entities within Indiana; and

(B) benefit residential, commercial, public, governmental, and nonprofit entities within Indiana; and

(6) the program created and powers conferred by this chapter constitute a necessary program and serve a necessary public purpose.

(b) To increase the speed and availability at which affordable broadband services become available in underserved areas in Indiana, it is declared to be a valid public purpose to assist in the financing and refinancing of the development of a statewide broadband infrastructure.

(c) It is further declared to be a valid public purpose for the development finance authority to issue bonds and notes, and loan the proceeds of those bonds and notes to the program, so that the authority may provide for financing or refinancing to broadband developers and broadband operators serving underserved areas.

Sec. 2. As used in this chapter, "authority" refers to the Indiana development finance authority established in IC 4-4-11-4.

Sec. 3. As used in this chapter, "broadband developer" means a person selected by the authority to acquire, construct, develop, and create any part of the broadband infrastructure.

Sec. 4. As used in this chapter, "broadband development program" or "program" refers to the Indiana broadband development program established by section 16 of this chapter.

Sec. 5. As used in this chapter, "broadband infrastructure" includes all facilities, hardware, and software and other intellectual property used for and necessary to provide broadband services in underserved areas of Indiana, including voice, video, and data.

Sec. 6. As used in this chapter, "broadband operator" means a person selected by the authority to operate any part of the broadband infrastructure.

Sec. 7. As used in this chapter, "broadband services" includes services, including voice, video, and data, that provide capacity for transmission of more than two hundred (200) kilobits per second in at least one (1) direction regardless of the

technology or medium used, including wireless, copper wire, fiber optic cable, or coaxial cable. If voice transmission capacity is offered in conjunction with other services using transmission of more than two hundred (200) kilobits per second, the voice transmission capacity may be less than two hundred (200) kilobits per second. The authority shall annually reconsider the two hundred (200) kilobits threshold in the definition of the term with a bias toward raising the threshold in a manner consistent with technological advances.

Sec. 8. As used in this chapter, "development costs" means the costs associated with the broadband infrastructure that have been approved by the authority and includes all the following:

(1) The costs for the planning, acquiring, leasing, constructing, maintaining, and operating of the broadband infrastructure.

(2) Payments for options to purchase, deposits on contracts of purchase, and payments for the purchases of properties for the broadband infrastructure.

(3) Financing, refinancing, acquisition, demolition, construction, rehabilitation, and site development of new and existing buildings.

(4) Carrying charges during construction.

(5) Purchases of hardware, software, facilities, or other expenses related to the broadband infrastructure.

(6) Legal, organizational, and marketing expenses, project manager and clerical staff salaries, office rent, and other incidental expenses.

(7) Payment of fees for preliminary feasibility studies and advances for planning, engineering, and architectural work.

(8) Any other costs and expenses necessary for the acquisition, construction, maintenance, and operation of all or part of the broadband infrastructure.

Sec. 9. As used in this chapter, "development finance authority" refers to the Indiana development finance authority established by IC 4-4-11-4.

Sec. 10. As used in this chapter, "person" means an individual, a corporation, a limited or general partnership, a joint venture, a limited liability company, or a governmental entity, including a body corporate and politic, political subdivision, municipal corporation, school, college, university, hospital, health care facility, library, or nonprofit organization. The term does not include the state.

Sec. 11. (a) As used in this chapter, "relevant services" refers to:

(1) cable service (as defined in 47 U.S.C. 522(6));

(2) telecommunications service (as defined in 47 U.S.C. 153(46)); and

(3) information service (as defined in 47 U.S.C. 153(20)).

(b) The term includes:

(1) advanced services (as defined in 47 CFR 51.5);

(2) broadband service; and

(3) Internet Protocol enabled services;

however classified by the Federal Communications Commission.

Sec. 12. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13. The term includes any

entity:

- (1) owned, operated, or controlled by a political subdivision; or
- (2) in which a political subdivision otherwise has an interest, whether direct or indirect.

Sec. 13. As used in this chapter, "underserved area" means an area within Indiana that the authority determines does not have a person that:

- (1) provides broadband service in the area at the time of the authority's inquiry under this section; or
- (2) intends to provide broadband service not later than three (3) months after the date of the authority's inquiry under section 14 of this chapter.

Sec. 14. (a) The authority shall conduct an inquiry to determine underserved areas within Indiana. The authority shall send a written request by certified mail to each person that provides a relevant service in the proposed broadband service area. A written request under this subsection must inquire as to whether the person:

- (1) provides broadband service; or
- (2) intends to provide broadband service not later than three (3) months after the date of the authority's written request under this subsection;

in the proposed broadband service area.

(b) The authority may determine that there is not a person that provides or intends to provide broadband service in the proposed broadband service area if the authority's inquiry under subsection (a) results in any of the following:

- (1) The authority does not receive a written response to any of the requests sent under subsection (a) within sixty (60) days after the date the requests were postmarked.
- (2) The authority:
 - (A) receives one (1) or more responses to a request under subsection (a) that indicate that the persons responding provide broadband service in the proposed broadband service area at the time of the request; and
 - (B) determines that no person responding actually provides broadband service in the designated area.
- (3) The authority:
 - (A) receives one (1) or more responses to a request under subsection (a) that indicate that the persons responding intend to provide broadband service in the proposed broadband service area not later than three (3) months after the date of the authority's written request under subsection (a); and
 - (B) determines, after the appropriate amount of time, that no person responding actually provided broadband service in the proposed broadband service area not later than three (3) months after the date of the authority's written request under subsection (a).

Sec. 15. The Indiana broadband development program is established in order to encourage the provision of affordable broadband services and networks that will:

- (1) ensure the long term growth of and the enhancement and delivery of services by the business, educational, medical, commercial, nonprofit, and governmental entities in underserved areas in Indiana; and

- (2) benefit residential, commercial, public, governmental, and nonprofit entities in underserved areas in Indiana.

Sec. 16. (a) The Indiana broadband development program is established as a separate body corporate and politic, constituting an instrumentality of the state, but not a state agency, for the public purposes set forth in this chapter. The program is separate and apart from the state in its corporate and sovereign capacity, and though separate from the state, the exercise by the authority of its powers constitutes an essential governmental, public, and corporate function.

(b) The Indiana development finance authority shall administer the broadband development program.

Sec. 17. The program may do the following:

- (1) Request the development finance authority to issue bonds or notes and loan the proceeds to the authority to provide funds to enable the authority to participate in financing and refinancing the expansion of broadband infrastructure services to underserved residential, commercial, public, governmental, and nonprofit customers in Indiana to enhance the delivery of services by the business, educational, medical, commercial, nonprofit, and governmental entities in Indiana.
- (2) Request the development finance authority to issue bonds or notes and loan the proceeds to the authority to enable the making of loans to broadband developers and broadband operators serving or proposing to serve underserved areas.
- (3) Authorize the imposition and collection of rents, charges, and fees for the services furnished by the broadband infrastructure in conjunction with financing entered into by the authority.
- (4) Assist broadband developers and operators with all other matters necessary for the acquisition, construction, maintenance, and operation of the broadband infrastructure.
- (5) Continuously evaluate all types of technologies to encourage the widest deployment of broadband services in underserved areas and broadband infrastructure in Indiana.
- (6) Make broadband services to authorized users (as defined in IC 5-21.5-1-2) located in underserved areas a priority under authority financing programs.
- (7) Ensure that the financing and refinancing of the development of broadband services under this chapter includes provisions ensuring that small businesses and each region of Indiana will have an equal opportunity to receive financing and refinancing.

Sec. 18. (a) The powers of the authority under this chapter include all those necessary to carry out and effectuate the purposes of this chapter, including the following:

- (1) To borrow money from the development finance authority for the purposes described in section 17(1) and 17(2) of this chapter.
- (2) To invest any money of the authority at the authority's discretion, in any obligations determined proper by the authority, and name and use depositories for its money.
- (3) To receive and distribute state or local funding, including grants, loans, and appropriations.

(4) To make loans to broadband developers and broadband operators that will acquire, construct, maintain, and operate all or part of the broadband infrastructure.

(5) To provide operating assistance to make broadband services more affordable to broadband developers, broadband operators, and broadband customers in underserved areas, in conjunction with broadband infrastructure financed by the authority.

(6) To impose and collect charges, fees, or rentals for the services furnished by those parts of the broadband infrastructure financed by the authority under this chapter.

(7) To set construction, operation, and financing standards for the broadband infrastructure in connection with authority financing and to provide for inspections to determine compliance with those standards.

(8) To investigate, evaluate, and assess the current broadband infrastructure and the future broadband infrastructure needs of Indiana and to encourage and participate in aggregation strategies for the broadband services of all public entities and nonprofit corporations in Indiana to maximize the interconnectivity and efficiencies of the broadband infrastructure.

(b) As part of an application for financing under this chapter, a broadband developer or broadband operator must file with the authority a participation plan for small and minority owned businesses and a communitywide outreach plan to educate the public with respect to the availability of broadband services. The authority may not approve an application unless a plan is submitted under this subsection.

Sec. 19. The development finance authority may exercise any of its powers to assist the authority in the accomplishment of the purposes of this chapter, including the power to borrow money, issue bonds and notes, and loan the proceeds to the authority to permit the authority to:

- (1) finance or refinance part or all of the development costs of the broadband infrastructure;
- (2) refinance existing debt for technology that constitutes part of or is related to the broadband infrastructure;
- (3) make loans to persons for development costs;
- (4) make loans to enable persons to make purchases related to the broadband infrastructure;
- (5) make loans to persons to refinance existing debt incurred by persons in connection with the acquisition or development of technology that constitutes a part of or is related to the broadband infrastructure; and
- (6) make other expenditures necessary to carry out the authority's duties under this chapter, including the payment of the authority's operating expenses.

Sec. 20. (a) The authority, as administrator of the broadband development program, may negotiate one (1) or more loans from the development finance authority upon any terms and conditions the authority considers appropriate, necessary, or desirable to carry out the purposes of this chapter.

(b) A loan under this section must be evidenced by a note of the authority, executed by the chairperson and attested to by the executive director.

Sec. 21. All property of the broadband development program is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments, direct or indirect, of the state or a political subdivision of the state. All notes and bonds issued under this chapter are issued by a body corporate and politic of the state, but not a state agency, and for an essential public and governmental purpose, and the notes and bonds, the interest thereon, the proceeds received by the holder from the sale of the notes and bonds to the extent of the holder's cost of acquisition proceeds received upon redemption before maturity, and proceeds received at maturity and the receipt of the interest and proceeds are exempt from taxation in the state for all purposes except the financial institutions tax imposed under IC 6-5.5 or a state inheritance tax imposed under IC 6-4.1".

Page 5, line 22, delete "required to be established under" and insert "described in".

Page 5, line 25, delete "a report on its progress in" and insert "the initial report on the feasibility of".

Page 5, line 27, after "IC 5-14-6." insert "The report must provide a detailed analysis of broadband penetration throughout Indiana, specifically stating all broadband options in use and detailing available:

- (1) technologies;
- (2) types of service;
- (3) areas of service;
- (4) costs of service; and
- (5) the populations in Indiana to whom the capabilities described in this subsection are available.

(d) On April 1, 2006, and October 1, 2006, the coordinating body shall submit reports on the coordinating body's progress in determining the feasibility of establishing and implementing the system to the general assembly in an electronic format under IC 5-14-6.

(e) Not later than July 1, 2007, the coordinating body shall submit the final report on the feasibility of establishing and implementing the system to the general assembly in an electronic format under IC 5-14-6. The report may include a recommendation on how to structure governance of the system."

Page 5, line 28, delete "January 1, 2006." and insert "July 15, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 381 as reprinted February 4, 2005.)

FORD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 382

Senator Altting called up Senate Bill 382 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 382-1)

Madam President: I move that Senate Bill 382 be amended to read as follows:

Page 2, line 13, delete "may" and insert "shall".

Page 2, delete lines 26 through 27.

Page 2, line 28, delete "(C)" and insert "(B)".

Page 2, line 31, delete "(D)" and insert "(C)".

Page 2, line 34, delete "human behavior." and insert **"human behavior;"**.

Page 2, line 35, delete "(E)" and insert "(D)".

Page 2, line 40, delete "(F)" and insert "(E)".

Page 3, line 4, delete "(G)" and insert "(F)".

Page 3, line 6, delete "(H)" and insert "(G)".

Page 3, line 16, delete "and".

Page 3, line 19, delete "commission." and insert **"commission;"**.

Page 3, between lines 19 and 20, begin a new line block indented and insert:

"(3) is a:

(A) nonprofit corporation or organization; or

(B) for-profit corporation or organization that does not have a pecuniary relationship with the alcoholic beverage industry; and

(4) does not hold a permit under this article."

Page 3, line 41, delete "license." and insert **"certificate."**

Page 4, line 1, delete "license" and insert **"certificate"**.

Page 4, line 2, delete "article;" and insert **"chapter;"**.

Page 4, line 3, delete "license" and insert **"certificate"**.

Page 4, line 3, delete "article;" and insert **"chapter;"**.

Page 4, line 36, delete "retail".

Page 4, line 36, delete "under this article." and insert **"described in section 3 of this chapter."**

Page 4, line 42, delete "IC 7.1-3-1.5-13," and insert **"IC 7.1-3-1.5-12,"**.

Page 6, line 39, delete "IC 7.1-3-1.5-13," and insert **"IC 7.1-3-1.5-12,"**.

Page 7, line 2, delete "September 1, 2006;" and insert **"January 1, 2008;"**.

Page 7, line 8, delete "September 1, 2006;" and insert **"January 1, 2008;"**.

Page 7, line 12, delete "2006." and insert **"2009."**

Page 7, line 17, delete "2005." and insert **"2006."**

(Reference is to SB 382 as printed February 18, 2005.)

ALTING

Motion prevailed. The bill was ordered engrossed.

Senate Bill 411

Senator Server called up Senate Bill 411 for second reading. The bill was read a second time by title.

SENATE MOTION

(Amendment 411-1)

Madam President: I move that Senate Bill 411 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 1. As used in this chapter:

(a) "Appliance" means a device or an instrument designed to perform a specific function.

(b) "Extended warranty" means a written warranty offered by a manufacturer, a dealer, or a retailer of an appliance that:

(1) covers the appliance offered for sale or sold by the manufacturer, the distributor, the dealer, or the retailer; and

(2) includes terms or conditions beyond the terms or conditions offered in a warranty included as part of the contract in the initial sale or lease of the appliance."

Page 1, line 5, delete "1." and insert **"2. (a) This section does not apply to:**

(1) a warranty that is provided as part of the contract in the initial sale or lease of an appliance; or

(2) an extended warranty.

(b)".

(Reference is to SB 411 as printed February 18, 2005.)

SERVER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 496

Senator Kenley called up Senate Bill 496 for second reading. The bill was read a second time by title.

SENATE MOTION

(Amendment 496-6)

Madam President: I move that Senate Bill 496 be amended to read as follows:

Page 7, line 1, strike "miscellaneous" and insert **"additional"**.

Page 8, delete lines 40 through 42.

Delete pages 9 through 11.

Page 12, delete lines 1 through 37.

Page 23, line 28, delete "and a copy of the" and insert ",".

Page 23, line 29, delete "petition filed under section 3 of this chapter,".

Page 23, delete lines 34 through 36.

Page 23, line 37, delete "(2)" and insert **"(1)"**.

Page 23, line 39, delete "(3)" and insert **"(2)"**.

Page 30, line 34, after "years" insert **", if the bonded indebtedness or lease is payable from ad valorem property taxes, the county adjusted gross income tax imposed under IC 6-3.5-1.1, the county option income tax imposed under IC 6-3.5-6, or the county economic development income tax imposed under IC 6-3.5-7. With respect to bonded indebtedness or a lease payable from ad valorem property taxes, the petition must be filed"**.

Page 31, line 1, after "chapter" insert **"or the department of state revenue, or both,"**.

Page 31, line 2, after "lease." insert **"The local government tax control board, the department of state revenue, and other state agencies shall provide information to the department that the department considers necessary to determine the estimated impact of the issuance of bonds or execution of a lease on the civil taxing unit's ad valorem property tax rate or the rate of an income tax imposed by the civil taxing unit under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7."**

Page 31, line 35, delete "tax" and insert **"ad valorem property tax rate or on the rate of an income tax imposed by the civil taxing unit under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7"**.

Page 31, line 36, delete "rates".

Page 40, line 23, after "includes" insert ":"

Page 40, line 23, before "each" begin a new line double block indented and insert:

"(A)".

Page 40, line 27, after "census;" insert **"and**

(B) based on the information prepared for all political subdivisions under clause (A), the highest, lowest, median, and average amount of expenditures per person for each type of political subdivision throughout Indiana."

Page 40, between lines 33 and 34, begin a new line blocked left and insert:

"The report must be presented in a format that is understandable to the average individual and that permits easy comparison of the information prepared for each political subdivision under subdivision (1)(A) to the statewide information prepared for that type of political subdivision under subdivision (1)(B)."

Page 41, line 14, delete "and send a copy of the petition filed under section 1 of this".

Page 41, line 15, delete "chapter,".

Page 41, line 15, after "mail" delete ",".

Page 41, delete lines 25 through 27.

Page 41, line 28, delete "(2)" and insert **"(1)"**.

Page 41, line 30, delete "(3)" and insert **"(2)"**.

Page 69, line 13, delete "(a) The definitions set".

Page 69, delete lines 14 through 15.

Page 69, line 16, delete "(b)" and insert **"(a)"**.

Page 69, run in lines 13 through 16.

Page 69, line 16, after "SECTION," insert **"IC 6-1.1-18.5-8 and IC 6-1.1-19-8, both as amended by"**.

Page 69, line 16, after "act" insert ",".

Page 69, line 17, delete "applies" and insert **"apply"**.

Page 69, line 18, delete "(c)" and insert **"(b)"**.

Page 69, line 24, delete "(d)" and insert **"(c)"**.

Page 69, line 24, delete "political subdivision" and insert **"civil taxing unit or school corporation"**.

Page 69, line 28, delete "political subdivision" and insert **"civil taxing unit or school corporation"**.

Page 69, line 34, delete "political subdivision" and insert **"civil taxing unit or school corporation"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 496 as printed February 11, 2005.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 496-5)

Madam President: I move that Senate Bill 496 be amended to read as follows:

Page 15, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-4-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 39. (a) For assessment dates after February 28, 2005, except as provided in subsections (c) and (e), the true tax value of real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more and that has more than four (4) rental units is the lowest valuation determined by applying each of the following appraisal approaches:

(1) Cost approach that includes an estimated reproduction or replacement cost of buildings and land improvements as of the date of valuation together with estimates of the losses in value that have taken place due to wear and tear, design and plan, or neighborhood influences.

(2) Sales comparison approach, using data for generally comparable property.

(3) Income capitalization approach, using an applicable capitalization method and appropriate capitalization rates that are developed and used in computations that lead to an indication of value commensurate with the risks for the subject property use.

(b) The gross rent multiplier method is the preferred method of valuing:

(1) real property that has at least one (1) and not more than four (4) rental units; and

(2) mobile homes assessed under IC 6-1.1-7.

(c) A township assessor is not required to appraise real property referred to in subsection (a) using the three (3) appraisal approaches listed in subsection (a) if the township assessor and the taxpayer agree before notice of the assessment is given to the taxpayer under section 22 of this chapter to the determination of the true tax value of the property by the assessor using one (1) of those appraisal approaches.

(d) To carry out this section, the department of local government finance may adopt rules for assessors to use in gathering and processing information for the application of the income capitalization method and the gross rent multiplier method. A taxpayer must verify under penalties for perjury any information provided to the assessor for use in the application of either method.

(e) The true tax value of low income rental property (as defined in section 41 of this chapter) is not determined under subsection (a). The assessment method prescribed in section 41 of this chapter is the exclusive method for assessment of that property.

SECTION 6. IC 6-1.1-4-41 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 41. (a) For purposes of this section:**

(1) **"low income rental property" means real property used to provide low income housing eligible for federal income tax credits awarded under Section 42 of the Internal Revenue Code; and**

(2) **"rental period" means the period during which low income rental property is eligible for federal income tax credits awarded under Section 42 of the Internal Revenue Code.**

(b) For assessment dates after February 28, 2006, except as provided in subsection (c), the true tax value of low income rental property is the product of:

(1) **the total gross rent received from the rental of all units in the property in the year that ends on the assessment date; multiplied by**

(2) **eight (8).**

(c) An assessed value determined under this section may be reduced by the county property tax assessment board of appeals on appeal under IC 6-1.1-15 if the taxpayer demonstrates on appeal that, because of deterioration of the

neighborhood in which the low income rental property is located, the market value of the property at the end of the rental period is anticipated to be less than one-half(1/2) of the assessed value determined under subsection (b). If the assessed value is reduced under this subsection, the assessed value is reduced to the market value demonstrated by the taxpayer under this subsection.

(d) The department of local government finance may adopt rules under IC 4-22-2 to implement this section."

Renumber all SECTIONS consecutively.

(Reference is to SB 496 as printed February 11, 2005.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 496-1)

Madam President: I move that Senate Bill 496 be amended to read as follows:

Page 38, line 37, after "2." insert "(a)".

Page 38, line 37, after "to" insert "subsection (b) and".

Page 39, between lines 3 and 4, begin a new paragraph and insert:

"(b) A county fiscal body that adopts an ordinance under subsection (a)(1)(A) or (a)(2) must designate in the ordinance property eligible for the credit under section 3 of this chapter as:

- (1) only homesteads;
- (2) homesteads and one (1) or more other classifications of tangible property; or
- (3) only one (1) or more other classifications of tangible property."

Page 39, line 4, delete "2(1)(A) or 2(2)" and insert "2(a)(1)(A) or 2(a)(2)".

Page 39, line 9, delete "tangible" and insert "eligible".

Page 39, line 10, after "property" insert "designated under section 2(b) of this chapter".

Page 39, line 13, delete "tangible property" and insert "eligible property designated under section 2(b) of this chapter".

Page 39, line 16, delete "tangible property" and insert "eligible property designated under section 2(b) of this chapter".

Page 39, line 18, delete "2(1)(B)" and insert "2(a)(1)(B)".

Page 40, line 2, delete "2(1)" and insert "2(a)(1)".

Page 40, line 4, delete "2(1)" and insert "2(a)(1)".

Page 40, line 5, delete "2(2)" and insert "2(a)(2)".

Page 40, line 6, delete "2(2)" and insert "2(a)(2)".

Page 40, line 7, delete "2(2)" and insert "2(a)(2)".

(Reference is to SB 496 as printed February 11, 2005.)

MRVAN

Upon request of Senator Mrvan the President ordered the roll of the Senate to be called. Roll Call 168: yeas 18, nays 32. Motion failed.

SENATE MOTION
(Amendment 496-2)

Madam President: I move that Senate Bill 496 be amended to read as follows:

Page 38, delete line 13, begin a new line blocked left and insert: "UPON PASSAGE]:"

Page 38, line 14, after "20.6." insert "Credit for Excessive".

Page 38, line 14, delete "Tax Credits" and insert "Taxes".

Page 38, delete lines 16 through 42, begin a new line block indented and insert:

"(1) "eligible property" means:

(A) a homestead; and

(B) any other classification of property designated by the county fiscal body under section 2 of this chapter;

(2) "homestead" has the meaning set forth in IC 6-1.1-20.9-1; and

(3) "property tax liability" means liability for the tax imposed on property under this article determined after application of all credits and deductions under this article, except the credit under this chapter, but does not include any interest or penalty imposed under this article.

Sec. 2. A county fiscal body that proposes to allow the credit under this chapter shall adopt an ordinance to identify eligible property to which the credit applies as:

(1) only homesteads; or

(2) homesteads and one (1) or more other classifications of property.

Sec. 3. (a) A county fiscal body may adopt an ordinance to authorize the application of a credit under this chapter for one (1) or more calendar years to eligible property in the county.

(b) A county fiscal body adopting an ordinance under subsection (a) must adopt the ordinance under subsection (a) before July 1 of a calendar year to authorize a credit under this chapter for property taxes first due and payable in the immediately succeeding calendar year.

Sec. 4. If a credit under this chapter is authorized under section 3 of this chapter for property taxes first due and payable in a calendar year:

(1) a person is entitled to a credit against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's eligible property located in the county; and

(2) the amount of the credit is the amount by which the person's property tax liability attributable to the person's eligible property for property taxes first due and payable in that calendar year exceeds two percent (2%) of the gross assessed value that is the basis for determination of property taxes on the eligible property for property taxes first due and payable in that calendar year.

Sec. 5. A person is not required to file an application for a credit under this chapter. The county auditor shall:

(1) identify eligible property in the county; and

(2) apply a credit under this chapter to property tax liability on the identified eligible property."

Delete page 39.

Page 40, delete lines 1 through 18.

Page 70, line 1, delete "2004." and insert "2005."

(Reference is to SB 496 as printed February 11, 2005.)

MRVAN

Upon request of Senator Mrvan the President ordered the roll of the Senate to be called. Roll Call 169: yeas 18, nays 32. Motion

failed. The bill was ordered engrossed.

Senate Bill 508

Senator Clark called up Senate Bill 508 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 508-4)

Madam President: I move that Senate Bill 508 be amended to read as follows:

Page 2, line 15, delete "contracts" and insert **"enters into an independent contractor agreement"**.

Page 2, line 15, delete "charitable, religious,".

Page 2, line 16, delete "educational, or other".

Page 2, line 16, delete "organization" and insert **"corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a))"**.

Page 2, line 17, delete "services." and insert **"services on a part-time basis."**.

Page 2, line 18, delete "charitable, religious, educational, or other".

Page 2, line 19, delete "organization that contracts" and insert **"corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person"**.

Page 2, line 20, delete "services." and insert **"services on a part-time basis."**.

Page 3, line 10, delete "contracts" and insert **"enters into an independent contractor agreement"**.

Page 3, line 10, delete "charitable, religious,".

Page 3, line 11, delete "educational, or other".

Page 3, line 11, delete "organization" and insert **"corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a))"**.

Page 3, line 12, delete "services." and insert **"services on a part-time basis."**.

Page 3, line 41, delete "charitable, religious, educational, or other".

Page 3, line 42, delete "organization that contracts" and insert **"corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person"**.

Page 4, line 1, delete "services." and insert **"services on a part-time basis."**.

Page 5, line 21, delete "charitable, religious,".

Page 5, line 22, delete "educational, or other".

Page 5, line 22, delete "organization that contracts" and insert **"corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person"**.

Page 5, line 23, delete "services." and insert **"services on a part-time basis."**.

Page 7, line 24, delete "contracts" and insert **"enters into an independent contractor agreement"**.

Page 7, line 24, delete "charitable, religious,".

Page 7, line 25, delete "educational, or other".

Page 7, line 25, delete "organization" and insert **"corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a))"**.

Page 7, line 26, after "services" insert **"on a part-time basis"**.

Page 10, line 18, delete "contracts" and insert **"enters into an independent contractor agreement"**.

Page 10, line 18, delete "charitable, religious,".

Page 10, line 19, delete "educational, or other".

Page 10, line 19, delete "organization" and insert **"corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a))"**.

Page 10, line 20, delete "services." and insert **"services on a part-time basis."**.

Page 10, line 21, delete "charitable, religious, educational, or other".

Page 10, line 22, delete "organization that contracts" and insert **"corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person"**.

Page 10, line 23, delete "services." and insert **"services on a part-time basis."**.

Page 11, line 39, delete "charitable,".

Page 11, line 40, delete "religious, educational, or other".

Page 11, line 40, delete "organization that".

Page 11, line 41, delete "contracts" and insert **"corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person"**.

Page 11, line 41, delete "services." and insert **"services on a part-time basis."**.

Page 13, line 17, delete "contracts" and insert **"enters into an independent contractor agreement"**.

Page 13, line 17, delete "charitable, religious,".

Page 13, line 18, delete "educational, or other".

Page 13, line 18, delete "organization" and insert **"corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a))"**.

Page 13, line 19, after "services" insert **"on a part-time basis"**.

Page 16, line 20, delete "charitable, religious, educational, or other".

Page 16, line 21, delete "organization that contracts" and insert **"corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person"**.

Page 16, line 22, delete "services." and insert **"services on a part-time basis."**.

(Reference is to SB 508 as printed February 11, 2005.)

CLARK

Motion prevailed. The bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author and Senators Steele and Broden be added as coauthors of Senate Bill 525.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Howard and Zakas be added as coauthors of Senate Bill 472.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Howard be added as second author of Senate Bill 557.

M. YOUNG

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1008, 1059, and 1063 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 27 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 2:00 p.m., Thursday, February 24, 2005.

LONG

Motion prevailed.

The Senate adjourned at 4:53 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate